

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD BADWAY : CIVIL ACTION
: :
: :
v. : :
: :
: :
CITY OF PHILADELPHIA : NO. 07-1333

O R D E R

AND NOW, this 19th day of August, 2009, upon consideration of Plaintiff's Motion for Summary Judgment (Docket No. 23) and all documents filed with respect thereto, **IT IS HEREBY ORDERED** that the Motion is **DENIED**.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.